

OGC 82-00628

22 January 1982

OS REGISTRY

FILE Legal 3

E0 12323

MEMORANDUM FOR: Director of Central Intelligence

FROM:

Acting General Counsel

SUBJECT: Presidential Commission on Broadcasting to Cuba

1. This Office has been requested to provide you with comments on a proposed amendment to Executive Order No. 12323, entitled "Presidential Commission on Broadcasting to Cuba." The Order, attached at Tab A, established an eleven member Commission to develop a recommended plan, to be submitted to the President and Secretary of State by 1 October 1982, for radio broadcasting intended for transmission to Cuba.

2. The proposed amendment, attached at Tab B, has been submitted by the Department of State. It would designate the Assistant Secretary of State for Inter-American Affairs as "...special adviser to the Commission to provide guidance on matters relating to United States foreign policy interests with respect to Cuba, and to provide information on Cuba relevant to the work of the Commission." State believes the proposal will ensure that the members of the Commission, who are largely from the private sector, have access to information on Cuba that might not be available publicly and receive guidance on relevant aspects of the Administration's foreign policy.

3. The NSC Staff concurs in the proposal. OGC has no legal objections and recommends your concurrence.

cc: DDO

~~DDI~~

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Presidential Documents

Title 3—

Executive Order 12323 of September 22, 1981

The President

Presidential Commission on Broadcasting to Cuba

By the authority vested in me as President by the Constitution of the United States of America, in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), and in order to create a commission to develop recommendations with respect to broadcasting of information and ideas to Cuba, it is hereby ordered as follows:

Section 1. Establishment. (a) There is established the Presidential Commission on Broadcasting to Cuba.

(b) The Commission shall be composed of 11 members appointed by the President from among citizens of the United States.

(c) The President shall designate one of the members to be the Chairman.

(d) There shall be a three member Executive Committee of the Commission which shall be composed of the Chairman and two other members elected by the Commission.

Sec. 2. Functions.

(a) The Commission shall develop a recommended plan for radio broadcasting intended for transmission to Cuba. The purpose of the plan shall be to promote open communication of information and ideas to Cuba and in particular broadcasting to the Cuban people of accurate information about Cuba.

(b) The Commission shall examine issues related to effectively carrying out such a plan for radio broadcasting to Cuba. These shall include, but not be limited to, possible program content, information gathering, writing and editing needs, staffing requirements, legal structure for a broadcasting organization, proposed legislation, sample budgets, and the location, structure and function of possible broadcasting stations.

(c) The Commission may conduct studies, inquiries, hearings, and meetings as it deems necessary. It may assemble and disseminate information, and issue reports and other publications. It may also coordinate, sponsor, or oversee projects, studies, events and other activities that it deems necessary or desirable for development of a recommended program of broadcasting to Cuba.

(d) The Executive Committee may coordinate the work of the Commission and may act on behalf of the whole Commission.

(e) The Commission shall submit its recommendations and final report to the President and the Secretary of State no later than October 1, 1982.

Sec. 3. Administration.

(a) Members of the Commission who are not otherwise Government employees shall serve without any compensation for their work on the Commission. However, all members shall be entitled to travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5701-5707).

(b) The heads of Executive agencies shall, to the extent permitted by law, provide the Commission such information and advice with respect to radio broadcasting to Cuba as the Commission may require for the purpose of carrying out its functions.

(c) Expenses of the Commission shall be paid from funds available to the Secretary of State.

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47208 Federal Register / Vol. 45, No. 186 / Friday, September 25, 1981 / Presidential Documents

Sec. 4. General.

(a) Notwithstanding any other Executive order, the functions of the President under the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), which are applicable to the Commission, except that of reporting annually to the Congress, shall be performed by the Secretary of State in accordance with guidelines and procedures established by the Administrator of General Services.

(b) The Commission shall terminate on October 1, 1982, or 60 days after submitting its final report, whichever is earlier.

Ronald Reagan

THE WHITE HOUSE,
September 22, 1981.

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PRESIDENTIAL COMMISSION ON BROADCASTING TO CUBA

By the authority vested in me as President by the Constitution of the United States of America, and to facilitate the work of the Presidential Commission on Broadcasting to Cuba by making available information on Cuba and guidance on foreign relations matters, it is hereby ordered that Section 1 of Executive Order No. 12323 of September 22, 1981 is amended by adding a subsection (e) as follows:

"(e) The Assistant Secretary of State for Inter-American Affairs shall serve as special adviser to the Commission to provide guidance on matters relating to United States foreign policy interests with respect to Cuba, and to provide information on Cuba relevant to the work of the Commission. The Assistant Secretary, or his designee, shall attend the meetings of the Commission and the Executive Committee."

THE WHITE HOUSE